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IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

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THE COUNTY OF JEFFERSON,
MISSOURI
% Ms. Beth Mahn, Collector
Jefferson County Administration
Center
729 Maple Street
Hillsboro, MO 63050

Case No. 09-554

Jury Trial Demanded

Plaintiff,

v.

TYLER TECHNOLOGIES, INC.

Serve: Registered Agent
Capital Corporate Services, Inc.
222 E. Dunklin, Suite 102
Jefferson City, MO 65101

Defendant.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1446(a), Defendant Tyler Technologies, Inc. ("Defendant" or "Tyler") files this Notice of Removal of a state court action pending in the Circuit Court of the 23rd Judicial Circuit of Missouri at Hillsboro, Jefferson County, Missouri, Cause No. 09JE-0000375, Division 1. As grounds for removal Tyler states the following:

- 1. On March 25, 2009, Plaintiff filed a Petition for Breach of Contract in the Circuit Court of the 23rd Judicial Circuit of Missouri at Hillsboro, Jefferson County, Missouri, asserting claims of breach of contract (the "State Court Action").
- 2. Tyler received a file-stamped copy of the Petition on March 25, 2009. Defendant timely files this Notice of Removal within 30 days of receipt of the Petition as required by 28 U.S.C. § 1446(b).

- 3. Removal is proper because this Court has jurisdiction on the basis of diversity between the parties pursuant to 28 U.S.C. § 1332(a)(1). Plaintiff is a political subdivision of the State of Missouri. Defendant Tyler is a corporation formed under the laws of the State of Delaware, with its principle place of business at 5949 Sherry Lane, Suite 1400, Dallas, Texas 75225. Accordingly, Plaintiff is a citizen of Missouri and Defendant is a citizen of Delaware and Texas. Thus, there is complete diversity of citizenship between the parties.
- 4. Second, the amount in controversy exceeds \$75,000.00, exclusive of interests, costs and attorneys fees as is expressly stated in Plaintiff's Petition. Paragraph 13 of Plaintiff's Petition alleges that Plaintiff has been damaged in the amount of \$1,124,135.00 plus an additional \$183,864.84.
- 5. Because the State Court Action is wholly between citizens of different states and the amount in controversy exceeds \$75,000.00, exclusive of interests, costs, and fees, this Court has original jurisdiction pursuant to 28 U.S.C. § 1332(a)(1).
- 6. Venue is proper in this Court pursuant to 28 U.S.C. § 1441(a) because the Eastern District of Missouri, Eastern Division embraces Jefferson County, Missouri, where Plaintiff's State Court Action is now pending.
 - 7. Plaintiff has demanded a jury trial in the State Court Action.
- 8. A copy of the entire file from the State Court action is attached to this Notice of Removal as required by Rule 2.03 of the Local Rules for the Eastern District of Missouri. *See* **Exhibit A**. A copy of all process and pleadings received by Tyler Technologies is attached to this Notice of Removal as required by 28 U.S.C. § 1446(a). *See* **Exhibit B**.
- 9. Defendant will promptly give the adverse party written notice of the filing of this Notice of Removal as required by 28 U.S.C. § 1446(d).

- 10. Defendant will promptly file a copy of this Notice of Removal with the clerk of the Circuit Court of the 23rd Judicial Circuit of Missouri at Hillsboro, Jefferson County, Missouri, where the action is currently pending as required by 28 U.S.C. § 1446(d).
 - 11. Defendant reserves the right to supplement this Notice of Removal.

WHEREFORE, in accordance with the requirements set forth in 28 U.S.C. §§ 1332, 1441 and 1446, Defendant removes this action from the 23rd Judicial Circuit of Missouri at Hillsboro, Jefferson County, Missouri, to this Court.

Respectfully Submitted,

/s/ B. Matthew Struble

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ATTORNEYS FOR DEFENDANT TYLER TECHNOLOGIES, INC.

CERTIFICATE OF SERVICE

I hereby certify that on this the 10th day of April, 2009, a true and correct copy of the foregoing document was served upon the following counsel of record via electronic means and United States mail in accordance with the Federal Rules of Civil Procedure.

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/s/ B. Matthew Struble

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